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OFFICE OF PETITIONS

In re Application of :  
Donald Wayne Howell et al :  
Application No. 10/814,341 : DECISION GRANTING PETITION  
Filed: April 1, 2004 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 112325.133 US3 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 31, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of October 14, 2005, is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$510 extension of time submitted with the petition on August 31, 2006 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2857.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions